



ED RICHARDS
Chief Executive



19 July 2011

Christopher Graham
Information Commissioner
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Dear Chris,

You may have seen several references in recent news reports to Ofcom's duties in relation to ensuring that persons who hold broadcasting licences are fit and proper. I am writing to you in this regard.

As you know Ofcom is the communications regulator in the UK responsible for the licensing of television and radio services. We have a positive duty under the Broadcasting Acts 1990 and 1996 to be satisfied that any person holding a broadcasting licence is, and remains, fit and proper to hold those licences.

BSkyB holds licences from Ofcom under the Broadcasting Acts and therefore BSKyB is a person about whose fitness and properness Ofcom must be satisfied as a condition of continuing to hold those licences.

News Corporation currently holds 39.14% of shares in BSKyB. In these circumstances Ofcom must take account of News Corporation's conduct (and that of its subsidiary companies) in assessing the continuing fitness and properness of BSKyB as a licence holder as well as the conduct of BSKyB itself.

We understand that the ICO carried out an investigation into the unlawful acquisition of personal data in 2006, which led to your two reports "What price privacy?" and "What price privacy now?" In those reports, you indicated that you considered there had been thousands of instances of unlawful conduct, and that you held data relating to publications owned by the News Corporation group.

I stress that we do not consider that it is for Ofcom to seek to investigate matters which properly lie in your hands.

We would however be grateful if we could understand, as far as is possible, whether you have determined that any companies or individuals within the News Corporation group have conducted themselves unlawfully or in any other way which may be relevant for our duties. We would also like to discuss arrangements as to how we might be kept informed of any further information which may assist us.

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If it would be helpful, we would be happy to meet and discuss how we might be able to liaise in a way that is most effective and efficient for you and your staff.

My colleague Chris Woolard will be in touch to follow up on the issues raised in my letter.

Ed Richards



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